

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

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| -----X | : | |
| MALIBU MEDIA, LLC, | : | |
| | : | |
| Plaintiff, | : | Civil Action No. <u>2:13-cv-05484-PD</u> |
| | : | |
| vs. | : | |
| | : | |
| JOHN DOE subscriber assigned IP address | : | |
| 69.136.82.147, | : | |
| | : | |
| Defendant. | : | |
| -----X | : | |

PLAINTIFF’S MOTION FOR EXPEDITED HEARING

Plaintiff, Malibu Media, LLC, respectfully requests an expedited hearing on its Motion for Leave to Serve Third Party Subpoenas Prior to a Rule 26(f) Conference (the “Motion”), filed September 24, 2013, case number 2:13-cv-05484-PD¹ [Dkt. #4], and states:

This is a copyright infringement case against John Doe Defendant known to Plaintiff only by an IP address. Defendant’s Internet Service Providers (the “ISPs”), can correlate Defendant’s IP address to a subscriber. Plaintiff has filed its Motion and Memorandum of Law in Support thereof, but the issue remains pending before the Court. This is a time-sensitive matter, as ISPs only retains its subscribers’ identities for a short period of time. Should Plaintiff fail to timely issue a subpoena to the ISP, Defendant’s information will be lost.

Plaintiff’s Motion is unopposed because Defendant remains unknown and has not made

¹ Pursuant to this court’s Order dated September 26, 2013 [CM/ECF #6] this case was consolidated with 2:13-cv-02768-PD for pretrial purposes.

an appearance in the case. Plaintiff anticipates that the hearing will take no longer than one (1) hour.

WHEREFORE, Plaintiff respectfully requests that this Court schedule an expedited hearing on Plaintiff's Motion for Leave, as the Court's schedule may permit.

Dated: November 4, 2013

Respectfully submitted,

FIORE & BARBER, LLC

By: /s/ Christopher P. Fiore
Christopher P. Fiore, Esquire
Aman M. Barber, III, Esquire
425 Main Street, Suite 200
Harleysville, PA 19438
Tel: (215) 256-0205
Fax: (215) 256-9205
Email: cfiore@fiorebarber.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Christopher P. Fiore